

The Gazette of India

PUBLISHED BY AUTHORITY

NEW DELHI, SATURDAY, JANUARY 25, 1947

 Separate paging is given to this Part in order that it may be filed as a separate compilation

PART V

Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA

LEGISLATIVE ASSEMBLY DEPARTMENT*New Delhi, the 21st January, 1947*

No. F. 104-I/47-A.—Under Rule 18 of the Indian Legislative Rules, the Governor-General has been pleased to order the publication in the *Gazette of India* of the following Bill, together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information:—

L. A. BILL No. 2 OF 1947

A Bill to confer for a limited period special powers for regulating the transport of goods on railways.

WHEREAS it is expedient to confer for a limited period special powers for regulating the transport of goods on railways;

It is hereby enacted as follows:—

- 1. (1)** This Act may be called the Railways (Transport of Goods) Act, 1947. Short title, extent, commencement and duration.

It extends to the whole of British India.

- (3)** It shall come into force on the 25th day of March 1947, and shall remain in force for one year only.

- 2. (1)** In this Act,—

Interpretation.

(a) “Chief Commissioner” means the Chief Commissioner of a Chief Commissioner’s Province;

(b) “grains and pulses” means *bajree*, barley, beans, black gram, *chowlee* seeds, *chuni*, dry cow-peas, *dhall*, gram, parched gram, horse gram, Indian corn, *jowari*, *karamony*, *khesari*, *moong*, *mussoor*, *nut*, oats,

oorid, paddy, peas, *raggi*, *rajgeera*, rice (including beaten or pounded rice), common sago, sun-dried tapioca, *toor* and wheat;

(c) "railway administration" has the meaning assigned to it in the Indian Railways Act, 1890.

IX of 1890

(2) For the purposes of this Act the transport of goods shall be deemed to be sponsored only if such transport—

(a) is required on the written demand of, or

(b) is in accordance with any programme of transport drawn up in writing by, or

(c) is certified in this behalf on the consignment note relating to the goods by—

the Central Government, a Provincial Government, a Chief Commissioner or the Government of an Indian State, or any person authorised in writing in this behalf by any such Government as aforesaid or by a Chief Commissioner.

Power to give directions in regard to the transport of goods by railways.

3. The Central Government or any person authorised in this behalf by the Central Government by notification in the official Gazette may, by general or special order, direct any railway administration—

(a) to give special facilities or preference for the transport of any of the goods specified in the second column of the Schedule, subject to compliance with the conditions, if any, set out in the corresponding entry in the third column of the Schedule, or

(b) to refuse to carry such goods or classes of goods as may be specified in the order, either absolutely or between places so specified.

Directions to be complied with.

4. Notwithstanding anything to the contrary contained in the Indian Railways Act, 1890, every railway administration shall be bound to comply with any direction given to it under section 3.

IX of 1890,

Protection of action taken.

5. No suit or other legal proceedings shall lie against the Crown or any railway administration or any person for any damage caused or likely to be caused in consequence of any direction issued under section 3 or of the compliance of any railway administration therewith, nor shall any railway administration have any liability, whether under the Indian Railways Act, 1890, or otherwise, by reason only of its compliance with any such direction.

IX of 1890.

THE SCHEDULE

(See section 3)

Serial No.	Description of goods	Conditions for special transport facilities or preference
1	Stores (including medical stores) for relief in times of famine or other emergency.	When transport is sponsored.
2	Military or police stores and equipment	Ditto.
3	Railway material and stores	Nil.
4	Material and stores of the Posts and Telegraphs Department.	Nil.
5	Grains and pulses, wheat products and flour of other grains and pulses, <i>ghee</i> , butter, cooking fats and edible vegetable oils, salt (other than hide salt), sugar, <i>gur</i> and <i>jaggree</i> .	When transport is sponsored or when the goods are consigned to railway grain shops.
6	Empty gunnies and other food containers	Ditto, and either when new or on return to filling centres.
7	Oil-seeds and ground nuts, used in the manufacture of edible oils.	When transport is sponsored.
8	Cotton or woollen piecegoods, blankets, twist and yarn.	When transport is sponsored or when the goods are despatched from textile mills.
9	The following fuels, namely :—	
	(a) Coal and coke	When despatched from collieries.
	(b) Firewood and charcoal	When transport is sponsored.
10	Petroleum and petroleum products	When consigned by oil companies.
11	Empty containers for petroleum and petroleum products.	Being new, when consigned to or by oil companies, or being used, when returned for refilling.
12	Cattle food, cattle fodder and manures	When transport is sponsored.
13	Iron and steel	When consigned from iron or steel works.
14	Cement	When consigned from cement factories.
15	Paper	When consigned from paper mills.
16	Mica	When consigned from mica mines.

STATEMENT OF OBJECTS AND REASONS

During the War the power of railway priority control was exercised under the provisions of Rule 85A of the Defence of India Rules which was continued until the 25th of March 1947 by Ordinance No. XX of 1946. So long as the present shortage of certain essential commodities renders necessary the movement of such commodities by rail without delay and in preference to less important movements, some form of priority control is considered to be essential. In the absence of express legal provision, such preferential treatment may be challenged as a contravention of section 42A of the Indian Railways Act, 1890. Defence of India Rule 85A applied generally to all movements by rail, but this Bill seeks to empower the Government of India, where preferential movements are required, to exercise preference only in respect of certain essential commodities subject to certain specified conditions, for a period of one year.

MATTHAI.

NEW DELHI ;

The 14th January, 1947.

MD. RAFI,

Secy. to the Govt. of India.